

Koch—one of the two Koch brothers. What I am going to read to my colleagues today is what I believe remains their agenda today because I see no evidence that it has changed.

When we turn on the TV and we see an ad coming from one of the Koch brothers' organizations, know what they stand for.

"We favor the abolishment of Medicare and Medicaid programs."

That doesn't mean cutting them; that means ending them.

"We favor the repeal of a fraudulent, virtually bankrupt and increasingly oppressive Social Security system."

That does not mean they are opposed to raising the minimum wage, which many of us want to do; they want to do away with Social Security entirely—not cut Social Security but do away with it.

"We support repeal of all laws which impede the ability of any person to find employment, such as minimum wage laws."

What that means in English is that while we are trying to raise the minimum wage, they want to abolish the concept of the minimum wage. So in high-unemployment areas, an employer can pay a worker \$3 an hour or \$4 an hour.

This is also from the Koch brothers' platform: "We oppose all government welfare, relief projects, and aid to the poor programs. All of these government programs are privacy-invading, paternalistic, demeaning, and inefficient. The proper source of help for such persons is the voluntary efforts of private groups and individuals."

That means goodbye to good jobs, nutrition programs, Federal aid to education, and goodbye to unemployment insurance.

This is not a conservative agenda. This is not a small-government agenda. This is an extremist agenda designed to eliminate virtually every piece of legislation passed by Congress in the last 80 years which protects the middle class, working families, low-income people, seniors, and the system. That is their agenda.

I am not saying every Republican adheres to every aspect of this agenda, but these guys are pouring hundreds of millions of dollars into the political process for a reason, and that reason is to make the wealthiest people in this country even wealthier while they do away with all legislation that protects working families.

Citizens United is one of the worst decisions in the history of the U.S. Supreme Court. I hope every Member of the Senate votes this week to start the process for a constitutional amendment to overturn Citizens United.

The PRESIDING OFFICER. The Senator from Georgia.

REMEMBERING TRUETT CATHY

Mr. ISAKSON. Mr. President, today the State of Georgia lost a great citizen and America lost a great patriot.

Truett Cathy, 93 years old, the founder of Chick-fil-A restaurants, passed away this morning. One of the great entrepreneurs of all time, Truett Cathy started a restaurant called the Dwarf House in College Park, GA, years and years ago. He turned it into the Chick-fil-A restaurant, which now has over 1,800 restaurants in 40 States and the District of Columbia. It is a family-owned business. It is not a public corporation. It is a business that is built on the principles that Truett Cathy believed in and believed in to this day. Truett Cathy's stores are never open on Sunday. He is a devout Christian and believes Sunday is a day of rest. So he operates 6 out of the 7 days. Everybody who competes with Truett Cathy operates for 7 days. But everybody who competes with Truett Cathy finishes second in gross sales, second in quality, and second in the line.

Truett Cathy was an extra-special man whose life has been a great tribute to all the right things in life that all of us believe in.

Truett Cathy also gave back to his community probably more than any other person I know of. He founded WinShape Homes, WinShape to build boys, WinShape to take children who could not find a foster parent, put them in a home and turned their life around. He was a prolific writer of book after book after book about his belief in life. His greatest book is one I gave to each Member of the Senate about 5 years ago: "It's Better to Build Boys than Mend Men." Because he knew the citizens of our country would be better if we had good foundations from the beginning. So he tried to make sure all those who were less fortunate, who did not have the advantages he or others had, had a chance to grow up in a home with a warm and nurturing environment, a Christian environment, an environment that was dedicated to the principles of this country, and freedom and democracy.

Atlanta and Georgia will miss Truett Cathy. He is irreplaceable. It is said that nobody is irreplaceable. Truett Cathy is. But the legacy and the legend he built and his restaurants will go on as a flagship for everything that is right about free enterprise and about the United States of America.

On this day on the floor of the Senate, to his family and to his legion of friends and to all he stood for and stands for, I mourn the loss of Truett Cathy, a great American and a great citizen.

I urge everybody, when they get the chance, to read the story of his life, because it is the story of the American way of life. It is the story of principles you are committed to, vision you hope for, taking a risk to try and create a reward, and giving back to the community when you earn the money from that reward, to see to it you leave this world a better place than you found it.

For America and Georgia today, Truett Cathy has left us. He has gone to a much better place. But he has left

our city, our State, and our country a better place than what he found. May God bless the life of Truett Cathy.

The PRESIDING OFFICER. The Senator from Florida.

(The remarks of Mr. NELSON pertaining to the introduction of S.J. Res. 42 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kansas.

CONSTITUTIONAL AMENDMENT

Mr. ROBERTS. This evening the Senate will vote on whether it should proceed to the consideration of a constitutional amendment that would, of all things, alter the Bill of Rights. Specifically, it seeks to amend the First Amendment to permit this Congress to regulate the speech and political activity of American citizens.

As written, the First Amendment does not permit regulation of the sort the majority wishes to impose, so they have decided to rewrite it. This is incredible and a sad demonstration of the lengths to which this majority is willing to go in its quest to retain power.

It is particularly sad when you realize that in just over 2 weeks we will be celebrating the anniversary of the Senate action that made ratification of the First Amendment possible. It was on September 25, 1789, that this body passed the first 10 amendments to the Constitution of the United States. That was 225 years ago. The ratification process was completed when Virginia became the 11th State to approve the amendments on December 15, 1791.

Since then, for over two centuries, the First Amendment has guaranteed all Americans will have the right to express themselves and participate in the political process without fear of government reprisal. While other nations have struggled to build and sustain democracy, the liberties guaranteed by our Constitution have given us a stability that allowed the United States of America to grow, to prosper, and to become a beacon of freedom around the globe.

Our Founders knew that the free expression of ideas was essential to the life and health of our democracy. Many other nations have yet to learn this lesson and still punish and imprison their citizens for daring to speak out and challenge those in power.

That does not happen here because of the system our Founders gave us. It does not happen because of the First Amendment. These things should be obvious. We might even call them self-evident. One would think that even in these polarized times we would have a consensus or could have a consensus on the wisdom of the Founders on this point.

You would think that Senators on both sides of the aisle would recognize and agree that the First Amendment, which has preserved our liberty, must itself be preserved.

I am very sorry to say that if you thought that, you would be wrong. I am very sorry to say that as we stand here today in September 2014 those on the other side of the aisle now want to reverse the decision this body made that September 225 years ago. Forty-nine Members of the majority have chosen to cosponsor S.J. Res. 19, an amendment to the Bill of Rights.

I am pleased to say that not a single one of my Republican colleagues has joined them, but I am saddened that so many of those across the aisle have taken the extraordinary step of supporting it.

I think the reason is clear. They want to silence their opponents. The First Amendment does not allow them to do so, so they are going to try and change it.

The First Amendment begins with "Congress shall make no law"—for a reason. Our Founders knew a great deal about human nature. They knew that those in power would be inclined to retain it and unless constrained would use their power to punish those who would seek to challenge them or remove them from office.

The First Amendment denies us that power. It explicitly prohibits this Congress from passing laws that restrict the speech of the American people.

Now the majority wants to remove that prohibition. They want to grant themselves the power to control speech, to silence their opposition.

We will hear from the other side that there is nothing to worry about, that all they wish to do is impose reasonable regulations.

Of course, the point of the First Amendment is to prevent this Congress from making determinations about what speech is reasonable—and, therefore, permitted—and what is unreasonable and, therefore, prohibited. We don't need to speculate about what the majority will deem reasonable and what it will deem unreasonable.

As I described at a recent Rules Committee hearing on the DISCLOSE Act, prior consideration of that legislation has shown us what the majority regards as reasonable. The DISCLOSE Act is the majority's most recent version of their now biannual attempt to create a new regulatory structure to deter speech. It is precisely the kind of legislation we can expect to see more of if the majority grants itself the power to regulate speech through the amendment we are debating today.

So with past as prologue, let us recall what happened when the DISCLOSE Act was considered by the House in 2010. Not surprisingly, the restrictions and obligations it imposed were applied to groups disfavored by the majority at that time. A number of corporations were simply prohibited from speaking. Government contractors and TARP recipients were prohibited from making independent expenditures.

During floor consideration an amendment was added also to prohibit speech by companies that explore and produce

oil and gas on the Outer Continental Shelf. The bill was on the floor soon after the Deepwater Horizon spill, so this was an easy target.

Not surprisingly, the majority thought it was perfectly reasonable to prevent any of these companies from speaking but did not think it was necessary to extend those restrictions to the unions that might represent the workforce in these companies. Republican amendments to extend the restrictions to those unions were rejected. The majority did not find them reasonable, apparently.

In some cases groups were excluded from the disclosure obligation solely because the votes were not there to include them. That is what happens once the Congress starts imposing speech restrictions—restrictions get applied to whoever doesn't have enough votes in the Congress to prevent them. Imposing speech regulations based on the whims of whatever party happens to be in the majority in the Congress at a given time is not reasonable, but it is exactly what happens once we start down this path and the majority has not deviated from it.

The Rules Committee hearing revealed the DISCLOSE Act continues to exempt groups sympathetic to the majority from the obligations it would impose on others.

It may be a natural impulse to wish those who are criticizing us would stop—everybody understands that—but the First Amendment does not allow us to make it stop. We should not have the power to silence our critics and we should never have it.

I know many Members on the other side of the aisle are upset about the ads that are attacking them and their agenda. I know they want those ads to stop. Well, we don't get to choose who gets to speak.

The proponents of this amendment and the critics of the Citizens United decision are clearly exercised by the prospects of corporate speech. It is obvious they fear how such speech might influence public policy debate in this country and their own electoral prospects. They have decided these voices should not be heard and must be suppressed.

They claim to be motivated only by a desire to promote the health of this democracy. They claim they just want all voices to be heard and want to make sure powerful corporations do not drown out the voices of others.

This claim is belied by one simple fact that there are and always have been powerful and wealthy corporations that have exerted enormous influence over our politics in this country and in our culture even. But the majority has not had a problem with them. I am speaking, of course, of media corporations. They were never limited by the electioneering restrictions imposed on other corporations. The Citizens United decision simply leveled the playing field and ended that nonsensical distinction.

That logical and constitutional result alarms the majority, though, because they fear that other corporations may not be as sympathetic to them as media corporations have been. They therefore regard it as perfectly reasonable to allow media corporations to say whatever they want, while at the same time regarding it as intolerable that other corporations be permitted to do the same.

While the amendment they propose would allow them to prohibit speech by any corporation—including the media—we can expect their allies will continue to enjoy the right to free expression. Their opponents, however, will be targeted. Those whose views align with the majority should draw no comfort from this fact though. Majorities do change. The whole point of the First Amendment is to ensure that the people's right to speak is not dependent on the whims of whatever majority happens to be in power at a given time in the Senate.

People have a right to express themselves and that right is not limited to whatever this body might deem to be reasonable.

We have a free marketplace of ideas. We do not entrust this Congress with the power to decide what ideas will get expressed or how much they will be expressed. Again, we don't entrust this Congress with the power to decide what ideas will get expressed or how much they will be expressed.

The majority proposes this amendment because they want that power, but they should never have it, and neither should any future majority. We have already seen from the rule change they imposed unilaterally only a few months ago that this majority is willing to jettison longstanding traditions and practices for short-term political gain. This mentality has already done serious and possibly irreparable damage to this body, but apparently destruction of the Senate rules will not suffice. Now the Constitution itself must yield. The interests of the majority are paramount and everything—even our most basic principles—must be sacrificed on the altar of the majority.

Well, thankfully, the rules for ratification cannot be discarded as easily as the rules of this body. To ensure against precisely what the majority wishes to do—to alter the Constitution for their own benefit—the Founders made it very hard to amend. Two-thirds of each House of Congress must agree to an amendment. Then three-quarters of the States must ratify it. That is just not going to happen.

But the fact that they will not succeed does not mean that we should not take their threat seriously. To even begin down this path shows a remarkable contempt for our political traditions and founding documents. It reveals the desperation of the majority and at the same time it reveals the wisdom of our Founders. In seeking to amend the First Amendment to protect

themselves, the majority reminds us again how lucky we are to live in a country with a Constitution that prevents such abuses.

I am profoundly grateful for the wisdom of the Founders and proud to stand here today to defend the First Amendment that they gave us.

I will oppose this amendment today, tomorrow, and forever, and I ask my colleagues to do the same.

I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE CONDOLENCES OF THE SENATE TO THE FAMILIES OF JAMES FOLEY AND STEVEN SOTLOFF

Mrs. SHAHEEN. Mr. President, these last few weeks have been very trying for America. In August, as the result of the cowardly and barbaric acts of the terrorist group ISIS, America lost two courageous and inspiring journalists, James Foley and Steven Sotloff.

Along with my colleagues Senators AYOTTE, NELSON, and RUBIO, and Chairman MENENDEZ, I am submitting a resolution to honor the lives of James Foley, who was born and raised in New Hampshire, and Steven Sotloff, a Florida native but a graduate of Kimball Union Academy in Meriden, NH.

Our resolution mourns James and Steven, two outstanding journalists who pursued their profession under the most difficult and dangerous conditions in order to tell the stories that needed to be told of the struggles that people on the ground were facing in the middle of difficult conflicts. We will never forget the bravery of James and Steven and their dedication to the ideals of freedom they so embodied.

Our resolution strongly condemns the terrorist group ISIS, a group that has committed unspeakable atrocities against humanity and attempted to justify them through a perverted interpretation of Islam. ISIS fighters have targeted Iraqi Christians, killing many and forcing others to flee their ancient homeland, they have massacred Muslims who do not subscribe to their depraved ideology, they have threatened genocide against the ancient Yazidi population of Iraq, and they have targeted other religious and ethnic minority groups. They have threatened to conduct terrorist attacks internationally, including here in the United States. And of course ISIS brutally murdered these two American journalists, Jim Foley and Steven Sotloff.

Let us be clear. We must hold ISIS accountable for their despicable acts.

We must vigorously pursue those responsible and bring them to justice, and we must not let the deaths of these two Americans go unanswered. The terrorists who murdered Jim Foley are deeply mistaken if they think their barbaric acts will lessen Americans' resolve and pave the way for ISIS to continue terrorizing. We will bring an end to those who stand against everything these men stood for.

I hope the entire Senate—Republicans, Democrats, and Independents—will stand together to adopt this resolution. Let us show the world our Nation is united in its commemoration of the lives of James Foley and Steven Sotloff, and in our condemnation of the barbaric group that took these Americans from us.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRYOR NOMINATION

Mr. ISAKSON. Mr. President, in about 19 minutes the Senate will exercise one of its constitutional responsibilities of advice and consent to President Obama on the appointment of Jill A. Pryor to be a U.S. Circuit Judge for the Eleventh Circuit of Georgia. I urge all of my colleagues to vote favorably for Ms. Pryor, a lawyer from the city of Atlanta and the State of Georgia, a great nominee and a great appointee.

As I make this recommendation, I want the Chamber to know loudly and clearly that I praise the President and his staff—particularly Kathy Ruemmler—for the job they did in coordinating with Senator CHAMBLISS and myself in seeking advice and consent to come up with a series of appointees to the district and circuit courts of Georgia.

Jill Pryor is an outstanding lawyer and an outstanding attorney. She is a graduate of William & Mary and Yale University, and was editor of the Yale Law Review.

An outstanding jurist and an outstanding person, she has practiced and specialized in business law, representing plaintiffs and defendants—not in the same case, I might add—in the areas of business torts, corporate governance, and shareholder disputes, class actions, trade secrets, fraud, intellectual property fraud, and the Georgia and Federal RICO statutes.

She is an outstanding member of the firm of Bondurant, Mixson & Elmore, and clerked for an Eleventh Circuit judge when she got out of Yale University Law School. She is an outstanding individual of impeccable credentials, impeccable integrity, and will be a

great credit to the Federal bench of the U.S. Court of Appeals for the Eleventh Circuit.

I commend her to each of my colleagues here today with my highest recommendation, and I again thank the President of the United States and his staff for their cooperation in nominating a superior judge to the Eleventh Circuit Court of Appeals.

Mr. President, I yield the floor and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSTITUTIONAL AMENDMENT

Mr. GRASSLEY. Mr. President, with all the problems facing the country and the world, the majority has decided the time has come to cut back on the Bill of Rights to be amended for the first time in our history.

We hear from the other side repeatedly that they revere the Constitution. But they want to restrict the core of free speech. That is speech that allows a self-governing people to choose in elections the people who will represent them. This proposed amendment would enshrine in our Constitution the ability of elected officials to criminally punish those who would dare to criticize them more than the elected officials think is reasonable.

Today Americans are free to spend unlimited money on behalf of candidates and political issues and messages of their choice. The amendment being proposed would put those who would engage in political speech on notice that they may be prosecuted for being active citizens in our democracy. That threat of criminal prosecution would not just chill speech, it would freeze political speech. This proposed amendment would be the biggest threat to free speech that Congress would have enacted since the Alien and Sedition Acts of 1798.

The First Amendment creates a marketplace of ideas. When people disagree on political speech, competing voices respond to each other and the public then decides. When speech is free, people are not shut up with the threat of jail if the government thinks they speak too much.

Since the 1970s, the Supreme Court has ruled repeatedly that because effective speech can only occur through the expenditure of money, government cannot restrict campaign expenditures by candidates or anybody else. The Court has recognized that effective campaign speech requires that individuals have the right to form groups that